

## REMARKS

### Status of the claims

Claims 6, 7, 9, 49, 50, and 51 are under consideration in this application, claims 1-5, 8, and 10-48 having been withdrawn from consideration for allegedly being drawn to separate inventions and claim 51 having been added herein.

### 37 C.F.R. 1.608 showing issue

Applicant thanks the Examiner and Examiners Nelson and Caputa for their helpfulness and courtesy in the regard to the 37 C.F.R. 1.608 issue raised by the 35 U.S.C. §102(e) rejection (see below).

### 35 U.S.C. §112, first paragraph, rejection

Claims 6-7, 9, and 49-51 are rejected as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Applicant understands the Examiner's position to be that, while the temperature range of 50°C-65°C is supported by adequate written description in the instant specification, the temperature range of 60°C-65°C (as recited in claim 6) is not. While not necessarily agreeing with this position, in order to expedite prosecution of the present application, Applicant has deleted the term "60°C" and inserted in its place "50°C". This amendment renders the rejection moot.

In light of the above considerations, Applicant respectfully requests that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

### 35 U.S.C. §102(e) rejection

Claims 6-7, 9, and 49-51 stand rejected as allegedly being anticipated by Freeman et al.

The Office Action indicates that this rejection can only be overcome through interference proceedings and that a response to the rejection should include a 37 C.F.R. 1.608 showing. However, in a voice mail message left for Applicant's undersigned representative on January 15, 2004, Examiner Amy Nelson indicated that in a response to the Office Action: (a) issues raised in the Office Action other than the 35 U.S.C. §102(e) rejection should be addressed; and (b) a request could be made for abeyance of the 35 U.S.C. §102(e) rejection until the Freeman et al. application has issued as a U.S. Patent. Examiner Nelson indicated that this request would be granted by the U.S. Patent and Trademark Office. Examiner Roark, in a telephone conversation with Applicant's undersigned representative also on January 15, 2004, confirmed that the strategy suggested by Examiner Nelson was an appropriate one and that a request for abeyance of the rejection until issuance of the Freeman et al. application would be granted by the U.S. Patent and Trademark Office.

Applicant requests abeyance of the rejection under 35 U.S.C. §102(e) until issuance of the Freeman et al. application.

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Serial No. : 09/649,108  
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Attorney's Docket No.: 07039-220001

CONCLUSIONS

Applicant requests that the Examiner reconsider the rejection under 35 U.S.C. §112, first paragraph, and suspend prosecution of the instant application until the Freeman et al. published patent application issues as a U.S. Patent.

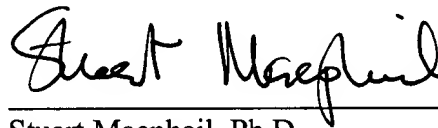
If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's undersigned representative can be reached at the telephone number listed below.

Enclosed is a request for an automatic extension of time and a check in payment of the extension in time. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 07039-220001.

Respectfully submitted,

Date: \_\_\_\_\_

1/15/04



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